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dence, it must be shown that it could not have been produced by reasonable diligence.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 37, New Trial, §§ 210-214.]

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TAX TITLE CO. *v.* DENOON.

June 13, 1907.

[57 S. E. 586.]

**Quieting Title—Title of Plaintiff—Equitable Title.**—One who has only an equitable interest in land, under a contract providing that the same would be conveyed when he so directed, or authorizing him to sell the same under either of the mortgages thereon, cannot maintain a bill to declare a tax deed of the premises void and remove the same as a cloud upon his title.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 41, Quieting Title, §§ 36-38.]

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WESTERN UNION TEL. CO. *v.* CHILES.

June 13, 1907.

[57 S. E. 587.]

**1. Appeal—Jurisdiction—Constitutional Questions.**—Where the jurisdiction of the Supreme Court depends solely on the alleged unconstitutionality of a statute which is found to be constitutional, no other questions in the case will be considered.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 3, Appeal and Error, §§ 3259, 3260.]

**2. Commerce—Regulation—Telegraph Companies—Penalties.**—Code 1904, § 1294h, cl. 6, imposing a penalty on telegraph companies for failure to deliver messages, in so far as applied to a message sent from a point within the state to a naval officer in the Norfolk Navy Yard, was not in violation of the commerce clause of the federal Constitution as an attempt to regulate commerce between the states or with foreign nations, etc.

**3. Telegraphs—Messages—Failure to Deliver—Penalties.**—Code 1904, § 1294h, cl. 6, imposing a penalty on telegraph companies for failure to deliver messages, was valid and applicable in case of a telegraph company's failure to deliver a message sent from a point within the state to a naval officer stationed at the Norfolk Navy Yard, which was under the exclusive jurisdiction of the federal government.